

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

DION C. PENNYWELL,

CIVIL NO. 17-1964 (SRN/DTS)

Plaintiff,

v.

ORDER

JOSH SIMMONS,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated June 19, 2017. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. This action is DISMISSED WITHOUT PREJUDICE for lack of subject-matter jurisdiction; and
2. Plaintiff Dion C. Pennywell's application to proceed *in forma pauperis* [ECF No. 2] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 10, 2017

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Court Judge